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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,255	06/23/2000	George William McClurg	1823.0080001/MVM/LLM	8980

26111 7590 12/29/2003

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
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WASHINGTON, DC 20005

EXAMINER

WANG, ALBERT C

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 12/29/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/599,255	MCCLURG ET AL.	
	Examiner	Art Unit	
	Albert Wang	2185	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to Amendment B filed November 14, 2003.

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 and 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine et al., U.S. Patent No. 5,467,403 ("Fishbine"), in view of Casey, U.S. Patent No. 6,011,486, and Bjorn et al., U.S. Patent No. 6,125,192 ("Bjorn").

As per claim 1, Fishbine teaches a mobile hand-held fingerprint scanner (Fig. 1, portable image collection unit 10 comprising fingerprint scanner 12), comprising:

an interface charged rechargeable power supply that powers the fingerprint scanner during mobile use (Col. 4, lines 23-29, when removed from charger it powers up); and

a data and power communication interface that couples data between the fingerprint scanner and a docking station (Fig. 1, base unit 8), and that provides power to charge said interface charged rechargeable power supply (Fig. 1, interfaces with I/F 32 and charger/cradle 34).

However, Fishbine does not expressly teach the data and power communication interface, whereby a dedicated plug for recharging a power supply separate from a data

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interface can be avoided. Casey teaches a USB plug for both recharging and data communication (Fig. 8, securing clip 114; Fig. 7 and Col. 6, line 59 – Col. 7, line 2, USB interface is used for both recharging and data transfer). While it is well known in the art that USB provides a high speed serial link that is applicable for transferring image data, Casey does not expressly teach using USB to transfer data that includes information representative of a fingerprint image captured by a fingerprint scanner. Bjorn teaches a USB connection for supplying power to and transmitting data from a fingerprint scanner (Fig. 1, cable 170, sensor 150; Col. 4, lines 23-39). Although Bjorn is silent in describing a plug, a plug is integral to Bjorn's cable. At the time of the invention, it would have been obvious to one skilled in the art to combine Casey and Bjorn to teach that USB is capable of both recharging a power supply and transmitting fingerprint image data via a dedicated plug.

At the time of the invention, it would have been obvious to one of ordinary in the art to apply Casey/Bjorn's data and power communication interface to Fishbine's fingerprint scanner. A motivation for doing so would have been to eliminate an additional connection for power (Bjorn, Col. 4, lines 23-39, "no such additional power connection is required").

As per claim 2, Casey teaches at least one rechargeable battery (Fig. 7, battery 104). Fishbine also teaches at least one rechargeable battery (Col. 7, lines 54-61).

As per claim 3, Casey teaches a charging circuit (Fig. 7, voltage regulation circuit 103; Fig. 7 and Col. 6, line 59 – Col. 7, line 2).

As per claim 4, by regulating voltage Casey's charging circuit regulates the rate of charging (Fig. 7, Vrecharge).

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As per claim 5, Casey teaches a voltage regulator circuit that maintains a substantially constant output system voltage (Fig. 7, Vrecharge).

As per claim 6, Casey teaches a universal serial bus (Fig. 7).

As per claim 7, USB and IEEE 1394 are common high speed serial protocols. It would have been a matter of design substitution to replace Casey's USB interface with a IEEE 1394 (FireWire) interface (Bjorn, Col. 4, lines 23-39, "other digital connections may be used").

As per claims 10-16, since Fishbine/Casey/Bjorn teaches the fingerprint scanner of claim 1, the combination teaches the claimed method.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine/Casey as applied to claims 1 and 2 above, and further in view of Geiger, U.S. Patent No. 6,1254,010.

As per claim 9, while Fishbine/Casey teaches rechargeable batteries, the combination does not expressly teach nickel cadmium batteries. Geiger teaches that nickel cadmium rechargeable batteries are well known in the art (Col. 1, line 55 – col. 2, line 3).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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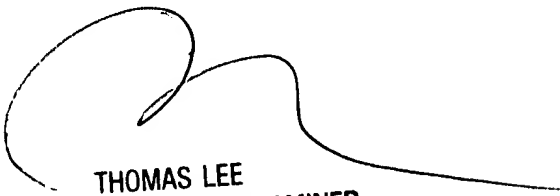
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert Wang whose telephone number is 703-305-5385. The examiner can normally be reached on M-F (9:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 703-305-9717. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

aw
December 16, 2003



THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100